



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**Staff Report Z-13-20-8**  
**December 30, 2020**

**Camelback East Village Planning Committee Meeting Date:** December 1, 2020  
**Planning Commission Hearing Date:** January 7, 2021

**Request From:** A-2 TOD-1 (Industrial District, Interim Transit-Oriented Zoning Overlay District One) (1.75 acres)  
**Request To:** A-2 (Industrial District) (1.75 acres)  
**Proposed Use:** Removal of the TOD-1 zoning overlay  
**Location:** Northwest corner of State Route 143 and Washington Street  
**Owner:** Werner L. Schlecht Trust  
**Applicant/Representative** William E. Lally, Tiffany & Bosco, PA  
**Staff Recommendation:** Denial. In the event of an approval action, mitigating stipulations are recommended.

| <u>General Plan Conformity</u>               |                   |  |                                  |
|--|-------------------|--|----------------------------------|
| <u>General Plan Land Use Map Designation</u> |                   | Mixed Use/Camelback East Village Core  |                                  |
| <u>Street Map Classification</u>             | Washington Street | Major Arterial with Light Rail Transit | 50-foot north half street        |
|  | State Route 143   | Freeway                                | Approximately 315-foot west half |

***CONNECT PEOPLE AND PLACES CORE VALUE; OPPORTUNITY SITES; LAND USE PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.***

The proposed removal of the TOD-1 overlay on the site opens up the possibility of several intense uses which are not compatible with the type of development desired along the light rail line. The uses that are prohibited by the overlay include auto-oriented and bulk exterior storage uses, as well as others that do not promote the

walkable environment desired within close proximity to the light rail line.

***STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; MANUFACTURING & INDUSTRIAL DEVELOPMENT; LAND USE PRINCIPLE: Support the expansion of industrial zoning in targeted industrial areas.***

Although the City of Phoenix General Plan encourages the expansion of industrial zoning in certain areas, the light rail corridor is not an intended industrial area. Development along this corridor should incorporate a mix of uses and promote a pedestrian-friendly environment, which the overlay district achieves.

***CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; HEALTHY NEIGHBORHOODS; DESIGN PRINCIPLE: Establish design standards and guidelines for parking lots and structures, setback and buildto lines, blank wall space, shade, and other elements affecting pedestrians, to encourage pedestrian activity and identify options for providing pedestrian-oriented design in different types of development.***

Removing the TOD-1 overlay from this site will remove standards designed to ensure the development of a pedestrian-friendly environment, including maximum building setbacks, wider sidewalks, frontage activation, and enhanced shade standards.

#### **Applicable Plans, Overlays and Initiatives**

[Interim Transit-Oriented Zoning Overlay District](#) – See Background Item No. 4.

[44th Street Corridor Specific Plan](#) – See Background Item No. 12.

[Gateway TOD Policy Plan](#) – See Background Item No. 13.

[Complete Streets Guiding Principles](#) – See Background Item No. 14.

[Tree and Shade Master Plan](#) – See Background Item No. 15.

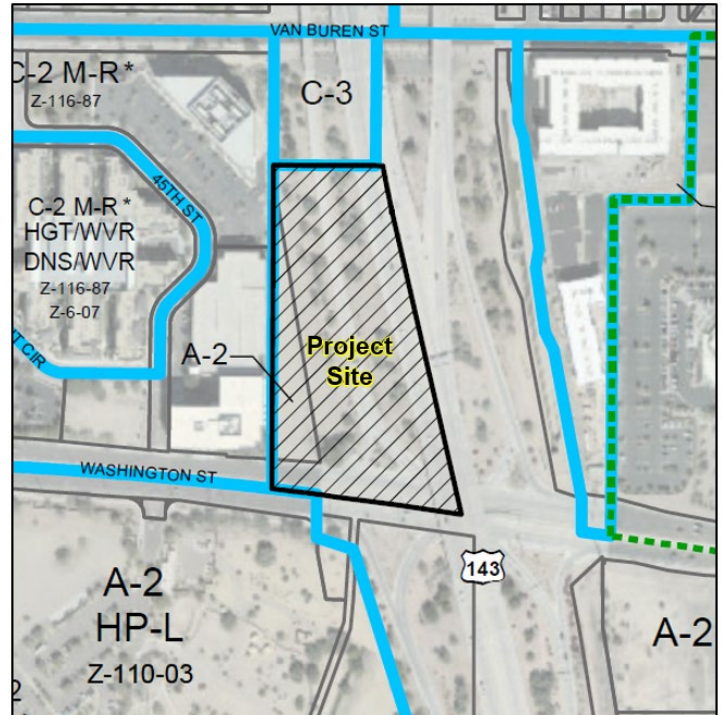
[Reimagine Phoenix](#) – See Background Item No. 16.

| <b>Surrounding Land Uses/Zoning</b> |   |   |
|-------------------------------------|---|---|
|                                     | <b><u>Land Use</u></b>                              | <b><u>Zoning</u></b>                      |
| <b>On Site</b>                      | Vacant lot  | A-2 TOD-1                                 |
| <b>North</b>                        | Freeway landscape area                              | C-3 TOD-1                                 |
| <b>South</b>                        | Pueblo Grande Museum                                | A-2 HP-L                                  |
| <b>East</b>                         | State Route 143 freeway,<br>multifamily residential | A-2, PUD                                  |
| <b>West</b>                         | Office park, multifamily residential                | C-2 M-R, C-2 M-R HGT/WVR<br>DNS/WVR TOD-1 |

| <b>A-2 (Industrial District)</b> |   |                                  |
|----------------------------------|---|----------------------------------|
|                                  |   | <i>*if variance required</i>     |
| <b><u>Standards</u></b>          | <b><u>Requirements</u></b>  | <b><u>Proposed Site Plan</u></b> |
| Gross Acreage                    | -   | 1.75                             |
| Maximum Density (du/ac)          | N/A   | N/A                              |
| Maximum Building Height          | 56-foot maximum, up to<br>80 feet allowed with a use<br>permit      | Not shown on site plan           |
| Minimum lot width                | N/A   | N/A                              |
| Minimum Building Setbacks        | <u>Washington Street:</u><br>25 feet<br><u>Rear and sides:</u> None | Not shown on site plan           |
| Lot Coverage                     | N/A   | Not shown on site plan           |
| Common Areas                     | N/A   | Not shown on site plan           |

### **Background/Issues/Analysis**

1. This is a request to rezone a 1.75-acre site located on the northwest corner of State Route 143 (SR-143) and Washington Street from A-2 TOD-1 (Industrial District, Interim Transit-Oriented Zoning Overlay District One) to A-2 (Industrial District) to remove the Interim Transit-Oriented Zoning Overlay to allow development of the site per A-2 standards. The vacant site is directly adjacent to the SR-143 freeway to the east, a corporate office park with multifamily residential to the west and is across the street from the Pueblo Grande Museum. Directly to the north and east of the site are freeway landscape areas.



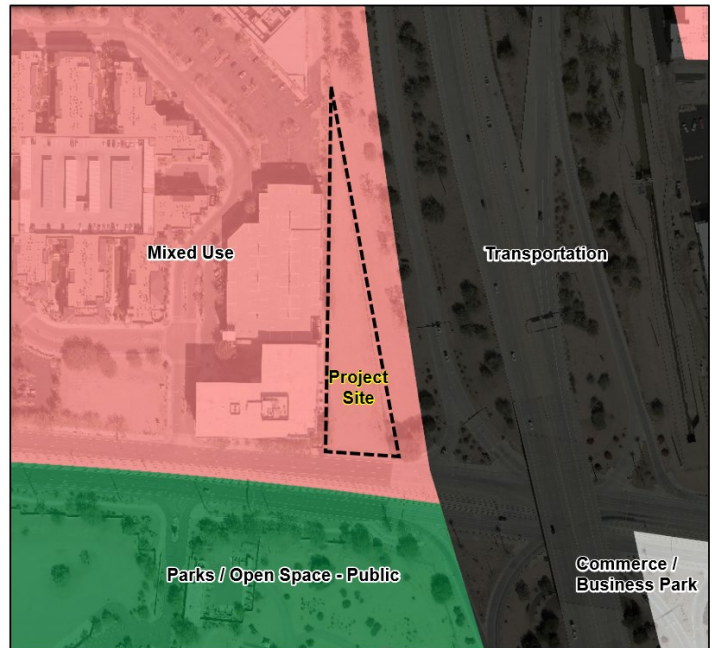
Source: City of Phoenix Planning and Development Department

This request has a companion Text Amendment (Z-TA-6-20), which proposes to amend Section 662.B. (Interim Transit-Oriented Zoning Overlay District One) of the Phoenix Zoning Ordinance to remove the subject property from the TOD-1 Overlay District.

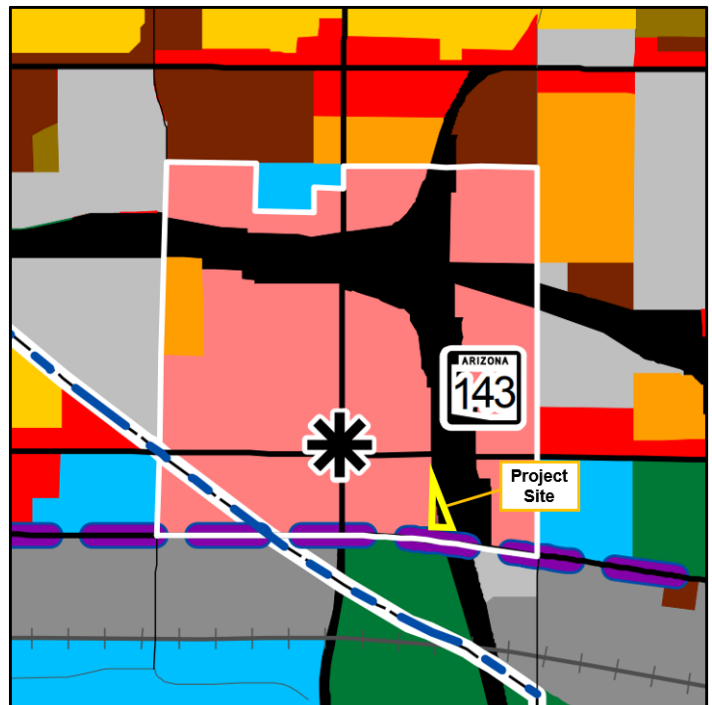
- The site has a General Plan Land Use Map designation of Mixed Use. This same designation is present to the north and west of the site. To the east of the site is the Transportation designation along the SR-143 freeway and, to the south of the site, is Parks / Open Space – Public designation, where the Pueblo Grande Museum is located.

Several of the uses permitted in the A-2 district are not consistent with the Mixed Use designation. However, a General Plan amendment is not needed as the site is less than 10 gross acres in size.

The site is also located within the boundaries of a Village Primary Core, as shown on the General Plan Land Use Map. Village Cores are intended to be the clearly identifiable central focus for the village with pedestrian-oriented mix of land uses. The TOD-1 overlay provides standards that are consistent with this intent.



Source: City of Phoenix Planning and Development Department



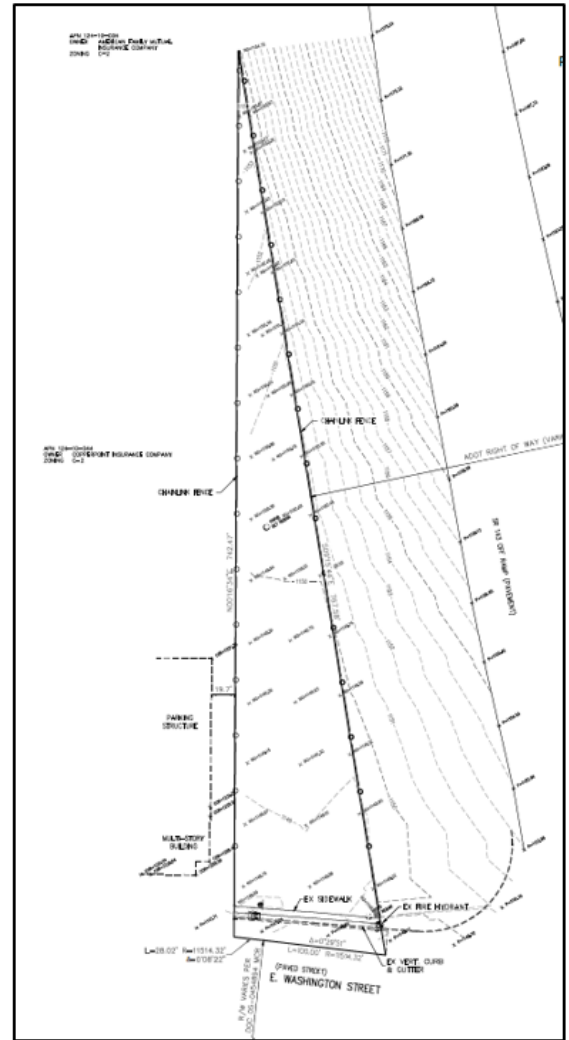
Source: City of Phoenix Planning and Development Department

3. The proposed site plan does not depict any development on the site, nor does the project narrative call out a specific use for the property. The primary intent of this rezoning request, per the applicant's narrative, is to "allow the property owner to maximize the property's value."

Given the size and shape of this property, any proposed development under the A-2 development standards would likely require several variance requests through the Zoning Adjustment hearing process.

Further, there is no access to the site depicted on the site plan. With its proximity to the freeway off-ramp, the Arizona Department of Transportation has commented that it will not permit a new driveway to be constructed at this location.

Staff recommends denial of the request but does acknowledge that the site's location, dimensions and limited access points, are challenges for its development as standalone parcel. Removal of the Overlay will provide some flexibility for the property owner to pursue redevelopment options.



Source: Bowman Consulting

4. The property is located within the boundaries of the TOD-1 overlay district (Interim Transit-Oriented Zoning Overlay District One), which is intended to encourage an appropriate mixture and density of activity around transit stations to increase ridership along the Central Phoenix/East Valley Light Rail Corridor and promote alternative modes of transportation to the automobile. The secondary purpose of the TOD-1 is to decrease auto-dependency and mitigate the effects of congestion and pollution. This request proposes to remove this overlay district, which will effectively remove all of the development standards that provide for a pedestrian-friendly environment and encourage a mix of uses on sites adjacent to the light rail. The following background items are in relation to staff's recommended stipulations in the event of an approval action for this case. The stipulations are designed to provide the streetscape and pedestrian improvements envisioned in the TOD overlay.

5. Due to the unknown nature of the envisioned development for the site, staff is recommending that any proposed conceptual site plan and elevations be reviewed by the Planning Hearing Officer through a public hearing process, per Stipulation No. 1. This will allow the community to be involved in any potential development of the site, as no specific development plans are proposed with this entitlement case.
6. The proposed removal of the TOD-1 overlay will result in the loss of many development standards that are intended to provide an enhanced pedestrian environment. To ensure that pedestrian activity continues to be encouraged along the light rail line, staff is recommending that a minimum eight-foot-wide sidewalk be provided along Washington Street, with a minimum 10-foot wide landscape strip between the sidewalk and the back of curb. To further ensure a pedestrian friendly environment, staff is recommending that a minimum of 75 percent of the sidewalk be shaded, and that the landscape area between the sidewalk and back of curb be planted with robust landscaping. These are addressed in Stipulation Nos. 3, 4, and 5.
7. The site is located approximately 1,200 feet from the nearest light rail station. Per the standards set forth in the TOD-1 overlay, this site should have a maximum front yard setback of 12 feet to provide for an activated street frontage. The removal of this overlay will revert setback standards back to the underlying A-2 district, which calls for a minimum 25-foot front yard setback, moving any potential active uses away from the street.

An active street frontage with buildings close to the street will not be possible under the A-2 district. Therefore, staff is recommending that the landscape setback within this front yard setback area be planted with large-canopy trees. This will help provide a more pedestrian-friendly environment as shade from tree canopies will be provided for those walking or biking along the light rail corridor. This is addressed in Stipulation No. 6.

8. The streetscape development and landscape standards are intended to mitigate the impact of a heavy industrial zoning district and its associated uses on the pedestrian realm. To ensure that these protective standards are upheld, staff is recommending that all streetscape landscaping be planted prior to the issuance of any permits, per Stipulation No. 2. This includes applications for sign permits.
9. A key element of creating a pedestrian-friendly environment is ensuring that individuals feel safe when walking along city streets. This site is located in close proximity to a freeway overpass to the east, which creates safety concerns for pedestrians. To provide individuals with a sense of security when walking this stretch of Washington Street, staff is recommending that pedestrian-scale lighting be provided in the form of bollard lights, along the sidewalk. This is addressed in Stipulation No. 7.
10. The site is located along the light rail line and in close proximity to the light rail station at

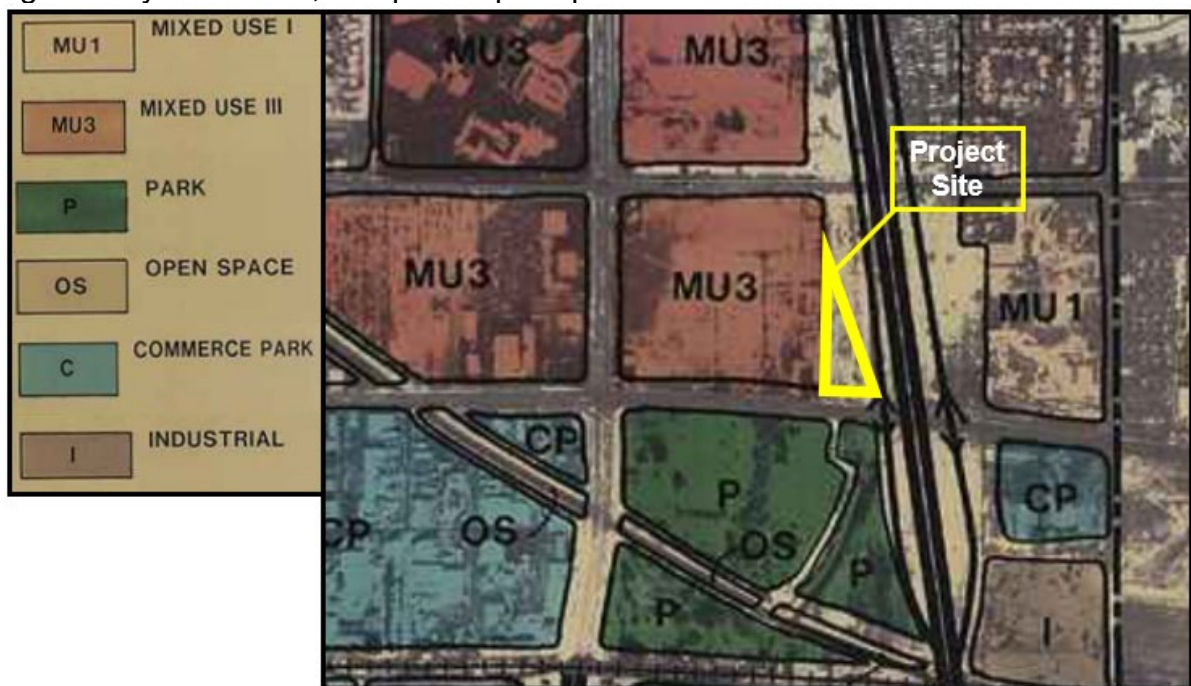
44th Street and Washington Street This is an area where multi-modal transportation methods are encouraged, as there are also bus lines that run on Washington Street, as well as bike lanes on both sides of the street. As such, staff is recommending that a bicycle repair station be provided in close proximity to the sidewalk to serve individuals who choose to travel by bike, per Stipulation No. 8.

11. Should the TOD-1 overlay be removed from this site, all A-2 uses restricted by the overlay will be permitted on the site. One such use is outdoor storage. To reduce the impact of potential outdoor storage on the pedestrian environment, staff is recommending that outdoor storage be completely screened by a decorative wall. This is addressed in Stipulation No. 9.

#### PLANS, OVERLAYS & INITIATIVES

##### 12. **44th Street Corridor Specific Plan**

The site is located within the boundaries of the 44th Street Corridor Specific Plan. Completed in 1991, this Plan established a framework to provide compatibility for new development within the corridor. Although this specific parcel is not called out in the plan, it is directly adjacent to properties that are designated as MU3 (Mixed Use 3). The MU3 designation envisions land uses such as multifamily residential, retail, office, and hotels. To the south are properties designated as P/OS (Park and Open Space), which include public land developed as park with improved landscape areas, active and passive recreational facilities and public gathering functions. To the east, on the other side of the SR 143 freeway, are properties designated as MU1 (Mixed Use 1), which is lower in intensity than MU3, and includes land uses such as multifamily residential, single-family residential, and public/quasi-public uses.



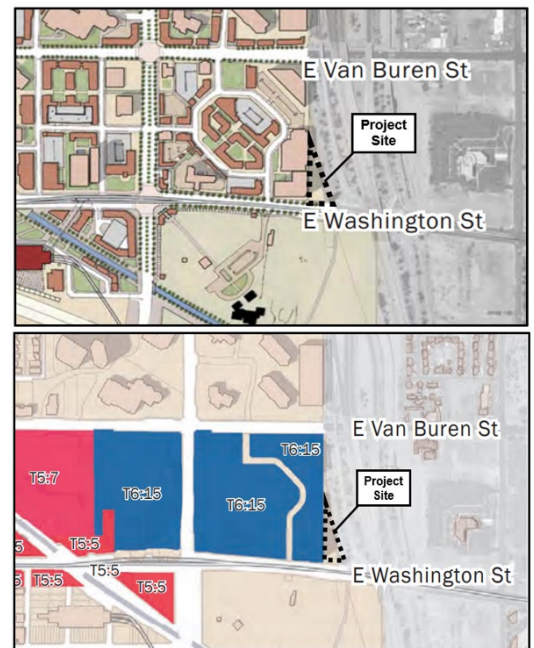
Source: City of Phoenix Planning and Development Department



13. **Gateway TOD (Transit-Oriented Development) Policy Plan**

The site is located within the Gateway TOD District, the boundaries for which are the Union Pacific Railroad on the south, Loop 202 on the north, Interstate 10 on the west and SR-143 on the east. The policy plan adopted for the Gateway TOD District provides a blueprint for fully achieving the transformative potential of light rail in a sustainable manner. Changes advocated in the plan can lower transportation costs for residents, create new business opportunities, encourage active, healthy lifestyles, ensure Phoenix increases its competitive advantage in the global marketplace, and improve prosperity by growing the economy in locations with existing infrastructure and public services. In order to realize the implementation of the Vision and Master Plan for the Gateway TOD District, one key recommendation is the implementation of a form-based zoning code. The standards within the TOD-1 overlay district are similar to many streetscape standards found within the Walkable Urban Code.

The site lies on the eastern edge of the policy plan and has not been given a specific master development vision or a desired Walkable Urban Code Transect District. However, this site is within 1,200 feet of the nearest light rail station on 44th Street and Washington Street, and should be held to the same standards that have been outlined for the properties that are located within a 10-minute walking radius around light rail stations.



Source: City of Phoenix Planning and Development Department

14. **Complete Streets Guiding Principles**

In 2014, the City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. To support these principles related to pedestrian connectivity and safety, staff is recommending that an eight-foot wide detached sidewalk be provided along Washington Street, that bollard path lights be provided along this sidewalk, and that a bicycle repair station be installed in close proximity to the right-of-way. These are addressed in Stipulation Nos. 3, 7, and 8.

15. **Tree and Shade Master Plan**

The Tree and Shade Master Plan has a goal of treating the urban forest as infrastructure to ensure that trees are an integral part of the city's planning and development process. By investing in trees and the urban forest, the city can reduce its carbon footprint, decrease energy costs, reduce storm water runoff, increase biodiversity, address the urban heat island effect, clean the air, and increase property values. In addition, trees can help to create walkable streets and vibrant pedestrian places. To support the City's urban forestry efforts, staff is recommending that the applicant provide robust landscaping within the landscape area between the sidewalk and back of curb, as well as within the landscape setback along Washington Street, to provide a minimum of 75 percent shade along the public sidewalk. Further, staff is recommending that the landscaping be planted before the issuance of any permits to ensure that trees and shade are provided regardless of the type of development on the site. These recommendations are addressed in Stipulation Nos. 2, 4, 5, and 6.

16. **Reimagine Phoenix**

As part of the Reimagine Phoenix initiative, the City of Phoenix is committed to increasing the waste diversion rate to 40 percent by 2020 and to better manage its solid waste resources. This request does not propose any specific use on the site, and thus does not address how it will manage its trash and recycling waste.

COMMUNITY INPUT SUMMARY

17. At the time this staff report was written, staff has received one letter from a neighboring property owner citing concerns with traffic generation on this site.

INTERDEPARTMENTAL COMMENTS

18. The Street Transportation Department does not support the removal of the TOD overlay as the request does not support or align with the City Council approved Complete Streets Guidelines adjacent to transit. This department has also stated that development of the site should continue to meet the minimum 75 percent shade standard for public sidewalks, per Stipulation No. 4, and has required that all streets are constructed with all required elements and in compliance with ADA standards, which is addressed in Stipulation No. 10.
19. The site is located within the noise contour area of Phoenix Sky Harbor International Airport and will be subject to overflights of aircraft operating at the airport and that flight tracks and traffic patterns may extend several miles beyond the airport boundary. A Notice to Purchasers will be required that discloses the existence, and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property. Further, due to the close proximity of the site to the airport, the developer shall be required to provide documentation prior to final site plan approval that the development has received a "No Hazard Determination" from the Federal Aviation Administration. These requirements are addressed in Stipulation Nos. 11 and 12.

20. The site is located in a larger area identified as being archaeologically sensitive. If further review by the City of Phoenix Archaeology Office determines the site and immediate area to be archaeologically sensitive, and if no previous archaeological projects have been conducted within this project area, it is recommended that archaeological Phase I data testing of this area be conducted. Phase II archaeological data recovery excavations may be necessary based upon the results of the testing. A qualified archaeologist must make this determination in consultation with the City of Phoenix Archaeologist. In the event archaeological materials are encountered during construction, all ground disturbing activities must cease within a 33-foot radius of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation Nos. 13, 14 and 15.

#### OTHER

21. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required

#### **Findings**

1. The site's location, dimensions and limited access points are challenges for its development as a standalone parcel. Removal of the Overlay would provide some flexibility for the property owner to pursue redevelopment options.
2. Several of the uses permitted in the A-2 district are not consistent with the Mixed Use General Plan Land Use Map designation.
3. The development standards of the A-2 district are not conducive to a pedestrian-friendly environment, which should be the goal of new developments along the light rail corridor.
4. The uses prohibited by the TOD-1 overlay are all permitted by right in the underlying zoning district. These uses are not compatible with transit-oriented development and should continue to be discouraged along the light rail line.

#### **Stipulations, in the event of an approval action**

1. Conceptual site plan and elevations shall be reviewed and approved by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval. This is a legislative review for conceptual purposes only. Specific development standards and requirements may be determined by the Planning Hearing Officer and the Planning and Development Department.
2. The below stipulated streetscape landscaping standards must be planted prior to the

issuance of any permits.

3. The sidewalk along Washington Street shall be a minimum of eight feet wide and shall be detached with a minimum 10-foot-wide landscaped strip between the sidewalk and the back of curb, as approved by the Planning and Development Department. A sidewalk easement shall be dedicated as necessary.
4. A minimum of 75 percent of the sidewalk shall be shaded.
5. The 10-foot-wide continuous landscape area located between the sidewalk and back of curb shall include minimum 3-inch caliper, large canopy single-trunk shade trees (limbed-up a minimum of 10-feet clear from finish grade), planted 20 feet on center or in equivalent groupings, and minimum 5-gallon shrubs with a maximum mature height of 2-feet providing 75 percent live cover, as approved by the Planning and Development Department.
6. The required landscape setback adjacent to the southern property line shall be planted to the following minimum standards, as approved by the Planning and Development Department:
  - a. Twenty-five percent 3-inch caliper large-canopy trees and 75 percent 4-inch caliper large-canopy trees, planted 20 feet on-center or in equivalent groupings;
  - b. Five 5-gallon shrubs per tree, and additional shrubs or live groundcover, shall be provided to a minimum seventy-five percent live cover at mature size.
7. Bollard path lights shall be provided every ten feet along the public sidewalk on Washington Street, as approved by the Planning and Development Department.
8. A bicycle repair station ("fix it station") shall be provided on the site, in close proximity to the public sidewalk. The station shall include but not limited to: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike, as approved by the Planning and Development Department.
9. All outdoor storage shall be completely screened with a decorative wall, as approved by the Planning and Development Department.
10. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

11. The developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.
12. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
13. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
14. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
15. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

**Writer**

Sofia Mastikhina  
December 30, 2020

**Team Leader**

Samantha Keating

**Exhibits**

Sketch Map  
Aerial  
Community Correspondence (7 pages)  
Site plan date stamped March 13, 2020